

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LATRINA CULLUM,

Plaintiff,

vs.

JANICE AXDAHL,

Defendant.

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4:05cv3028

MEMORANDUM AND ORDER

This matter is before the court on filing no. 34, the Motion for Summary Judgment filed by the defendant, Janice Axdahl. The plaintiff, Latrina Cullum, has not responded to the motion. The plaintiff is advised that a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end the case.

Therefore, the plaintiff shall have until September 25, 2006, to respond to the defendant's Motion for Summary Judgment by filing a brief and any applicable evidentiary support. The defendant's Motion for Summary Judgment is taken under advisement and will be decided after September 25, 2006, if the plaintiff responds.

If the plaintiff does not respond, this action may be subject, without further notice, to dismissal, without prejudice, as abandoned and for lack of prosecution. See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."

SO ORDERED.

DATED this 5th day of September, 2006.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge